

mittee, with instructions to report to-morrow morning, and that the bill and report of committee be made the special order for to-morrow at 11 A. M.

Motion carried, and the bill recommitted to the Judiciary Committee, and made the special order for to-morrow at 11 o'clock A. M.

On motion of Senator Flanagan, the Senate at 11:45 A. M., adjourned to 10:30 A. M. to-morrow.

### THIRD DAY.

#### SENATE CHAMBER.

AUSTIN, TEXAS, Thursday, Sept. 14, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent—Senators Fountain and Parsons.

Absent, excused—Senator Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

#### REPORTS OF STANDING COMMITTEES.

Senator Bowers presented the following majority report of the Judiciary Committee on substitute for Senate bill No. 417:

#### COMMITTEE ROOM,

Austin, September 13, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: A majority of your Committee on Judiciary, to whom was referred Senate bill No. 417, entitled "An act amendatory of the seventh section of 'an act to provide the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot-box,' approved August 15, 1870," together with several substitutes therefor, instruct me to report the same back with the accompanying bill as a substitute for the whole subject matter, and recommend its passage.

Respectfully,

M. H. BOWERS,

For the Committee.

Report and bill (substitute for Senate bill No. 417,) read first time and laid over under the rules.

Senator Ruby presented the following minority report on substitute for Senate bill No. 417:

COMMITTEE ROOM,  
Austin, September 14, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: A minority of your Committee on the Judiciary, to whom was referred substitute for Senate bill No. 417, herein respectfully dissent from the views expressed in the bill reported by the majority of the committee, for the following reasons:

The bill submitted by the majority of our committee purposes that an election be held for members of the Legislature alone, on the last days of November and first two of December next. In this the said bill is faulty, for if the expense and trouble of so immediate an election be had so soon after the Congressional one of October, why said election should not be general in its character becomes the query. Admitted that sufficient time could not be had to submit the constitutional amendments proposed by the present Legislature to the people at said election, and therefore a general election is not desired, it then follows that in accordance with the election law of 1870 a general election for Legislative (or State), as well as county officers, must be had in November, 1872; so that under the provisions of the Constitution not only the proposed constitutional amendments may be submitted, but also the required proposition relative to the location of the capital. Otherwise, should an election be held for members of the Legislature alone at the time designated in the present bill, from which we dissent, a general election as defined by the law of 1870, that is an election for State and county officers, must be held in 1873, or a year before (should the present bill become a law,) the term of office of the then Legislature shall have expired.

These premises considered, we submit that a general election should be had at such a time as to give the necessary three months' notice to the people, in compliance with section fifty, article twelve, of the Constitution, which, mandatory in its provisions, absolutely declares that proposed amendments to the Constitution shall be submitted at the same time "as the general election of representatives, for the consideration of the people;" we therefore dissent from the provisions of the present bill, and respectfully ask that it do not pass, submitting in lieu thereof the following joint resolution:

*Resolved by the Legislature of the State of Texas,* That his Excellency, the Governor of the State, be and is hereby authorized to issue an election order for a general election, to be had at as

early a day as practicable, so that the proposed constitutional amendments, as well as location of the Capitol, may be submitted to the people.

G. T. RUBY,  
W. A. SAYLOR.

Report and resolution (Senate joint resolution No. 39) read first time and laid over under the rules.

### BILLS AND RESOLUTIONS.

By Senator Dohoney: A bill (Senate bill No. 436) to be entitled "An act amendatory of the thirty-third section of an act entitled 'an act to organize courts of justices of the peace and county courts, and define their jurisdiction and duties,' approved August 13, 1870." Read first time, and referred to the Judiciary Committee.

Also, a bill (Senate bill No. 437) to be entitled "An act to regulate in part the receipt and disbursement of public money." Read first time, and referred to the Judiciary Committee.

By Senator Ruby: A bill (Senate bill No. 438) to be entitled "An act to discontinue the Criminal Court of Galveston and Harris counties, and to transfer the causes pending therein." Read first time, and referred to the Judiciary Committee.

By Senator Saylor: A bill (Senate bill No. 439) to be entitled "An act to exempt certain persons from serving on juries." Read first time, and referred to the Committee on State Affairs.

### BILLS ON THIRD READING.

House bill No. 320, "An act to enforce section twenty-one article one of the Constitution." Read third time.

Senator Gaines moved the passage of the bill.

Yeas and nays were called for, and House bill No. 320 passed by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Pettit, Rawson, Ruby, Saylor, Tendick—14.

Nays—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pridgen, Pyle, Shannon—11.

House bill No. 671, "An act to provide for the creating of two counties out of the territory now embraced within the limits of Refugio county, and to provide for their organization," read third time, and

On motion of Senator Pridgen, made special order for to-morrow at 12 o'clock M.

11 o'clock A. M.

## SPECIAL ORDERS.

Senate bill No. 419, "An act concerning corporations."

Senator Bowers moved to postpone the consideration of the bill and make it a special order for next Thursday, September 21, at 11:30 A. M.

Yeas and nays called for and motion carried by the following vote:

Yeas—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Hall, Latimer, Mills, Pettit, Pyle, Rawson, Shannon, Tendick—17.

Nays—Mr. President, Ford, Gaines, Hertzberg, Hillebrand, Pridgen, Ruby, Saylor—8.

Substitute Senate bill No. 417, "An act amendatory of the second and seventh sections of 'an act to provide the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box,' approved August 15, 1870," and reports of Judiciary Committee thereon.

On motion of Senator Bell, the consideration of the bill and reports was postponed, and made special order for to-morrow at 11 A. M.

House bill No. 338 "An act to confer additional authority upon the Waco and Northwestern Railroad Company."

On motion of Senator Ford, the bill was indefinitely postponed.

Under direction of the President, the Secretary carried to the House with the action of the Senate thereon, Senate bill No. 414, "An act supplementary to an act to give effect to the several provisions of the Constitution concerning taxes," passed September 13th.

Senator Ruby moved to reconsider the vote of yesterday passing Senate bill No. 414, "An act supplementary to an act to give effect to the several provisions of the Constitution concerning taxes."

Yeas and nays called for, and motion to reconsider carried by the following vote:

Yeas—Mr. President, Flanagan, Ford, Gaines, Hertzberg, Hillebrand, Mills, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—13.

Nays—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Hall, Latimer, Pyle, Shannon—12.

On motion of Senator Flanagan the Senate at 11:15 A. M. adjourned to 10½ A. M. to-morrow.